

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

**FILED**  
JUL 20 2009

*[Signature]*  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYAN DAVIS,

Defendant.

CR 09-30027

ORDER

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Counsel for Defendant has filed a Motion to Continue Trial, Doc. 42, requesting the Court to continue the trial date. The continuance came about at the request of the Government but is not resisted by the Defendant as the continuance was occasioned by the Defendant initially agreeing to a plea agreement. The Defendant subsequently withdrew his agreement to the plea agreement, but therefore caused the delay and the delay of the case for trial will not be against the Speedy Trial clock in the interests of justice. After consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion,

IT IS ORDERED:

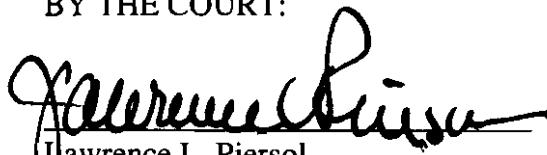
1. That Government's Motion for Continuance, Doc. 42, is granted.
2. That a new date for trial will be scheduled by a separate Order of the Court.
3. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice

served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

4. That this case is transferred to the Honorable Karen E. Schreier, Chief Judge for the District of South Dakota, for all further proceedings.

Dated this 20<sup>th</sup> day of July, 2009.

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: Shelly Margulies  
DEPUTY